

# CITY OF ANGELS CITY COUNCIL MINUTES

**Tuesday, July 15, 2014**

Council Members Present: Mayor Elaine Morris, Vice Mayor Jack Lynch, Wes Kulm, Bert Sobon and Scott Kelly

Staff Present: Michael McHatten, Dave Myers, Police Chief Fordahl, Dave Hanham, Julie McManus, Nathan Pry and Mary Kelly

## **5:00 p.m. CALL TO ORDER**

Chair Morris called the City Council meeting to order at 5:00 p.m. The City Council convened to closed session. Chair Morris reconvened to open session.

## **6:00 p.m. REGULAR MEETING**

### **ACTION TAKEN IN CLOSED SESSION**

- A. CONFERENCE WITH LABOR NEGOTIATOR** - Pursuant to California Code 54957.6 Misc-Non Exempt MOU, Fire MOU and non-represented. City Negotiator: Michael McHatten, City Administrator  
Council Action: Direction given to staff
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Difu, Croletto, Rosato and Turco v. City of Angels Camp, and City of Angels Camp Landscaping and Lighting District #1, Calaveras County Superior Court, Case No.13-cv-39523  
Council Action: Direction given to Counsel

### **APPROVAL OF AGENDA**

MOTION by Council Member Kulm, seconded by Council Member Lynch and carried 5-0 APPROVING THE AGENDA AS PRESENTED.

### **STAFF UPDATES**

The following questions/comments were raised on information received in the staff consolidated report:

Council Member Lynch asked Finance Officer, Julie McManus, when the budget is scheduled to come to Council. Julie stated that Council will receive the budget at the end of July and will be presented on the August 5<sup>th</sup> agenda.

Council Member Lynch asked Fire Marshall, Nathan Pry if there would be a savings to homeowners since the ISO rating has gone down. Nathan replied they are still in the ISO rating process but he will follow up after the businesses have been contacted.

Council Member Lynch asked Planning Director, David Hanham, for additional information on the Greenhouse Gas Inventory. Dave explained the City received a grant from PG& E and Sierra Business Council is gathering this information for the City. There is no cost to the City.

Council Member Lynch asked City Engineer, David Myers, the status on the SR4 signage. Dave stated that the encroachment permit has been approved by Caltrans and staff is preparing a package to order the signs.

Council Member Lynch asked City Engineer if the SCADA improvements had been made. The Engineer said there was money in the new budget for the improvements.

Council Member Sobon asked that staff define what acronyms stand for.

## **COUNCIL UPDATES**

### **Bert Sobon**

- Attended the July 4<sup>th</sup> City picnic and thought everyone did a good job. He was approached by a person who had a negative comment on the singing of the national anthem. This person felt everyone should sing the anthem and there not be one person with their own rendition on how it should be sung.

### **Jack Lynch**

- Attended the July 4<sup>th</sup> Angels Camp Commemorative Meeting (ACCC) to finalize the July 4<sup>th</sup> activities. He attended the picnic at Utica Park on the 4<sup>th</sup> which included the Farmer's Market. 120 veterans in the audience were acknowledged.
- Attended a DAC executive committee budget review meeting.
- Attended a DAC board meeting where it was decided to ask business owners and employees to park behind the businesses.
- Attended the tree celebration at CalFire to replace a redwood that was cut down when the new buildings per built.

### **Scott Kelly**

- Attended the tree dedication at CalFire. He reported the redwood tree that was cut down had been milled and a picnic and dining room table were built with the wood. The picnic table is on site and the 12-foot dining room table is being used in their barracks.

### **Elaine Morris**

- Attended the 4<sup>th</sup> of July celebration and also the tree dedication.

## **PUBLIC COMMENT**

Public comment period was opened at 6:13 pm. There were no comments from the public in attendance.

## **CONSENT AGENDA**

Council Member Kulm removed Item 'e' for comment.

Council Member Lynch abstained from Item 'a'.

Council Members Kulm and Kelly abstained from Item 'b'.

**MOTION** by Council Member Lynch, seconded by Council Member Kulmand carried 5-0 ADOPTING THE REMAINING AGENDA ITEMS:

- a. Approve Minutes of Regular meeting of June 3, 2014 (continued from July 1<sup>ST</sup>) – Abstain: Council Member Lynch
- b. Approve Minutes of Regular meeting of July 1, 2014 – Abstain: Council Members Kulm and Kelly
- c. Approval of Audit Contract
- d. Adopt a Minute Order approving the Spending Plan & Transfer of funds from the Supplemental Enforcement Services Fund (SLESF) for Fiscal Year 2013-2014 to the Angels Camp Police Department.

**Consent Item 'e' - Consideration of Directing staff to initiate the formation of an advisory committee for the Angels Camp State Route 4/49 Gateway and Corridor Study.**

Council Member Kulm felt the business owners were being underserved for representation on the advisory committee. The City Administrator said members can be added to the proposed committee list. He suggested the advisory committee representative list be changed to add the Visitor's Bureau, Frog Jump plaza and change the at-large from 5 members to 8. The Council unanimously agreed to this change.

**MOTION** by Council Member Lynch, seconded by Council Member Kulm and carried 3-0 ADOPTING CONSENT AGENDA ITEM 'e' WITH THE RECOMMENDED CHANGES.

## REGULAR AGENDA

### **1. PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL REPORT & SELECTION OF NEW PROJECTS FOR 2015**

Terry Cox, Cox Consulting, explained the two items being brought before the Council:

- A. The State Department of Housing and Community Development (HCD) requires that all grantees conduct a noticed public hearing to discuss the annual report for any open (CDBG) or revolving loan fund (RLF) using CDBG Program Income.
- B. Terry outlined the criteria for funding projects through the CDBG. Several suggested projects were discussed for the 2015 CDBG funding cycle.

Cox stated that she has provided a sign-in sheet for persons wishing to respond at the public hearing and asked that any written comments be addressed to City Hall.

6:32p.m. Public Hearing Opened

Mayor Morris asked if there were any public comments regarding this item. There being none, the public hearing was closed.

6:32p.m. Public Hearing Closed

- A. MOTION by Council Member Lynch, seconded by Council Member Kulm and carried 5-0 APPROVING THE CDBG ANNUAL REPORT & AUTHORIZE THE CITY ADMINISTRATOR'S SIGNATURE AND AUTHORIZE SUBMISSION OF REPORT TO HOUSING & COMMUNITY DEVELOPMENT.
- B. MOTION by Council Member Lynch, seconded by Council Member Kulm and carried 5-0 DIRECTING STAFF TO REVIEW SUGGESTIONS FOR CDBG PROJECTS FOR FURTHER CONSIDERATION BY THE COUNCIL.

### **2. PUBLIC HEARING: CONFIRMING DIAGRAM & ASSESSMENT & DIRECTING AUDITOR OF CALAVERAS COUNTY TO CONTINUE TO COLLECT ASSESSMENTS FOR FY 2014-2015 FOR THE LANDSCAPING & LIGHTING DISTRICT NO. 1 – GREENHORN CREEK**

Derek Cole, City Attorney explained there is an annual process spelled out in the Streets & Highway Code for assessing or adjusting an assessment to special districts. Every year the City is required to receive an Engineer's report and this report is the basis for the annual assessment. He explained that the action the Council is being asked to take is to confirm the annual LLD assessment for the upcoming fiscal year. Mr. Cole recommended that the Council approve the full amount of that assessment, \$297.19 per sfd, as outlined in the Engineer's Report that was accepted by the Council at the June 3, 2014 meeting.

Council agreed to listen to public comment before making their comments. Questions will be answered by the City Attorney and LLD Engineer when all questions have been asked.

6:40 p.m. Public Hearing Opened

Mayor Morris asked if there were any persons in the audience who would like to speak on this item.

#### **Craig Turco –Angels Camp**

Mr. Turco provided a protest letter (Attachment 'A') and read several portions of the letter to the Council.

**Daniel Reidy – 275 Blair Mine Road**

Mr. Reidy explained that he was special counsel to the City when the Greenhorn Creek District was formed. He said the Engineer's Report was well put together and he supported the inclusion of \$20K for wetlands maintenance.

6:50 p.m.      Public Hearing Closed

Council Member Lynch had the following questions/comments:

- On Page 6 of the Engineers Report there are changes to the roads that are not on the map.
- On pages 8 and 9 there is mention of the \$307K but not what has been done or what plans there are for this money.
- On the financial pages there are no comparisons of the previous years' budget and actual expenditures.
- On Page 12 the budget shows an increase in water utility to \$39K. Last year it was \$23K.

Mr. John Bliss, LLD Engineer responded to questions received:

Mr. Turco questioned why views were designated a special benefit when only 17% of GHC residents have views of the wetlands. Mr. Bliss reported that the View Special Benefit was designated by the State Supreme Court.

In response to Mr. Lynch's statement that the Map on page 6 does not show road changes, Mr. Bliss said he will research and change if necessary.

In response to Mr. Lynch's request that the previous year's budget and actuals be provided in this year's budget, Mr. Bliss reported that the Engineer's Report is a budget going forward. He can expand it but it is not typically seen on Engineer's Reports and is not a requirement.

Council Member Lynch asked how the Council could adopt this report when they don't know how much money was spent and where it was spent.

The City Administrator responded to Mr. Lynch's question of why the water utility increased from \$23K to \$39K. He explained that last years' water was budgeted for much less because it was anticipated the City would shut off the water for several months as had been done in the past. But due to the drought the water was off for only one month. This year a full year of water cost was budgeted.

MOTION by Council Member Kulm, seconded by Council Member Sobon and carried 4-1 with Council Member Lynch voting 'NO' ADOPTING RESOLUTION NO. 14-16. A RESOLUTION APPROVING ENGINEER'S REPORT , CONFIRMING DIAGRAM AND ASSESSMENT AND DIRECTING AUDITOR OF CALAVERAS COUNTY TO CONTINUE TO COLLECT ASSESSMENTS FOR FY 2014-2015 FOR THE LANDSCAPING & LIGHTING DISTRICT NO. 1 – GREENHORN CREEK

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3.      **RESOLUTION APPOINTING THE CALAVERAS COUNTY HEALTH OFFICER AS THE CITY'S HEALTH OFFICER**

MOTION by Council Member Sobon, Seconded by Council Member Kulm and carried 5-0 ADOPTING RESOLUTION NO. 14-17. A RESOLUTION DESIGNATING THE CALAVERAS COUNTY HEALTH OFFICER AS THE AUTHORITY FOR THE EXERCISE OF CALIFORNIA STATUTES AND REGULATIONS RELATING TO PUBLIC HEALTH DURING AN EMERGENCY WITHIN THE CITY OF ANGELS

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4.      **APPOINTMENT OF CITY SURVEYOR**

MOTION by Council Member Lynch, seconded by Council Member Kelly and carried 5-0 APPROVING THE APPOINTMENT OF GOLDEN STATE SURVEYING ENGINEERING, INC. AS CITY SURVEYOR

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5. **ACCEPTANCE OF AN UPDATED PROJECT STUDY REPORT/PROJECT DEVELOPMENT REPORT**

Planning Director Dave Hanham reviewed the background of SR 49 and Vallecito Road (former SR4). The Council had numerous questions and concerns and the City Administrator suggested that Council submit their questions directly to him instead of attempting to answer anything tonight without proper research.

**MOTION** by Council Member Lynch, seconded by Council Member Kulm and carried 5-0 GIVING DIRECTION TO STAFF TO ANSWER QUESTIONS SUBMITTED BY THE CITY COUNCIL TO THE CITY ADMINISTRATOR. THE ADMINISTATOR WILL RESEARCH AND PROVIDE ANSWERS AT A FUTURE DATE.

COUNCIL ALSO DIRECTED THERE BE AN 'OPTION 5' ADDED TO THE PSR –WILL CALTRANS COMPENSATE TH CITY IF THERE WAS RELINQUISHMENT OF THE BRIDGE AND ROADWAY ON EITHER SIDE OF THE BRIDGE.

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**CALENDAR**

Calendar was reviewed by City Clerk Mary Kelly

**MEETING WAS ADJOURNED AT 8:10 P.M.**

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Elaine Morris  
Mayor

ATTEST:

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Mary Kelly  
City Clerk